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SUBJECT: NIGERIA: PRISONS CONDITIONS AT KIRI KIRI

11. (SBU) SUMMARY: On February 19, POLOFF and LEGATT met with prison officials of the Lagos State Command and interviewed detainees awaiting trial at Kiri Kiri Medium Security Prison.

Officials and prisoners alike highlighted problems with overcrowding, healthcare, and poor record keeping. They complained of NPS's lack of resources and the judiciary's inability to process detainees, many of whom have been awaiting trial for up to sixteen years. Poor police investigative techniques, the use of arbitrary detention, and malfeasance also present problems. Fraud, waste, and abuse of prison resources are common among prison officials. NGOs, not the federal government, provide aid and support. As a result of these conditions, prisoners rioted recently in Lagos. No AMCITS are known to be held at Kiri Kiri Medium Security Prison. END SUMMARY.

OVERCROWDED PRISONS

12. (SBU) The Lagos State Command of the National Prison Service (NPS) has a capacity of 2,795 prisoners in its five facilities. NPS officials stated they are housing a total of 4,911 prisoners in Kiri Kiri Maximum Security, Kiri Kiri Medium Security, Kiri Kiri Women's, Badagry, and Ikoyi Prisons. The Lagos prison system is at 175% capacity. The most acutely overcrowded are Kiri Kiri Medium and Ikoyi Prisons. Kiri Kiri Medium Security has a capacity for 740 inmates, but holds approximately 1,259 inmates -- 170% of its capacity. Built to house 800 prisoners, Ikoyi Prison now holds 2,105 -- 263% of its capacity. In contrast, Badagry Prison, which has a 300-prisoner capacity, is under utilized.

13. (SBU) The press reports over 2500 cases of scabies, 800 asthmatics, and 300 cases of tuberculosis in the Lagos prison system. The HIV/AIDS rate is believed high and screening for the disease is irregular at best. Limited AIDS awareness and education is received by prisoners and anti-retroviral drug treatment is rare. Narcotics use is common and undermines disease prevention efforts. Each prisoner is given a ration of 150 naira (\$1.11) per day, which prison officials deem inadequate, believing 500 naira (\$3.70) would be needed. As a result, most prisoners are malnourished and rely on family members to supplement their food rations.

14. (SBU) Children are also incarcerated with adults and subjected to the same health risks. NPS officials and prisoners told POLOFF that the police often bring teenage boys into Kiri Kiri Medium Security Prison and falsify their age with fraudulently obtained court documents. Prisoners stated that 40 to 50 children are erroneously housed at Kiri Kiri Medium Security Prison due to this practice. They claim the police have threatened the children with death if they reveal their true age to prison officials. Ikoyi Prison, which has a separate juvenile facility, is so overcrowded that children regularly interact with adult prisoners.

PRISONER WELFARE

15. (U) Regina Akpan, an NPS official in charge of prisoner welfare, told POLOFF she could not provide services for the prisoners without the assistance of NGOs and that federal funding of the prisons was inconsistent and incapable of sustaining even existing programs. She said NGOs such as Prisoners Rehabilitation and Welfare Action (PRAWA), the Civil Liberties Organization, Life Link Organization, and the Catholic Secretariat provided numerous programs and services. Family contact facilitation, recreational activities, spiritual counseling, legal services and various educational and training opportunities are available through these groups. Some of these programs include adult literacy classes, health education, hair dressing/braiding classes, and tailoring classes. Computer training is also provided, but Akpan said classes have been put on hold as electrical spikes from the local power supply, worsened by the lack of surge protectors or uninterrupted power supply terminals, have damaged their equipment.

DEFUNCT JUDICIAL SYSTEM

16. (SBU) There is no little process in the Nigerian criminal justice system. A survey, by the National Human Rights Commission in September 2003 of all Nigerian prisons, found 23,335 awaiting trial within the system, 4,244 of which are in Lagos State. H. D. Kess Momoh, the Controller of Prisons for Lagos State, told POLOFF approximately 60% of all inmates are detainees awaiting trial. PRAWA, an advocacy NGO that also provides training and aid to prisoners, estimates that over 80% of detainees are awaiting trial for periods ranging from three to sixteen years. Many have already been incarcerated beyond the maximum penalty for the crime of which they are accused. Overcrowding is due to many factors, but mainly to the common police practice of arbitrary detention. In the vicinity of a crime, it is not uncommon for the police to make mass arrests and identify potential suspects from those detained at a later date. Bribery and extortion are often involved, as police officers demand bribes to release prisoners, regardless of guilt. As a result, it is the poor who suffer the most from these practices.

17. (U) Irrespective of guilt or innocence, the judiciary further slows the process. Record keeping is poor and antiquated. POLOFF observed prison officials typing records on old typewriters, using carbon paper, and haphazardly storing their work in a cupboard with 12 cubbyholes. No records were placed in separate folders and no filing system could be discerned. For some prisoners, the GON does not know why they are incarcerated, as their case files have been lost. Others have repeatedly gone to court for their initial arraignments, only to have their cases continued -- usually without explanation. NPS officials and prisoners alike stated the greatest hindrance in the judicial system is the lack of transport trucks known as "black Marias." Two "black Marias" are used in the Lagos State Prison Command to take prisoners to the various Lagos courts. Each has a capacity to hold 15 to 20 persons -- inadequate for the Lagos State Prison Command's needs. Many prisoners are, therefore, unable to meet court dates, further delaying the judicial process.

PRISON RIOTS

18. (U) On February 7 prisoners at Ikoyi Prison rioted for two days over the death of an HIV positive inmate who died after waiting nine years for his case to come to court. Mobile police later secured the prison. During the riots, prisoners burned down the medical storeroom. Prisoners were protesting their conditions and the lack of due process in the judiciary. They were not provided basic items such as soap, blankets, and mattresses. Nor were the prisoners afforded basic health care. When the prisoners burnt down the storeroom, it reportedly housed these supplies that had not been distributed to the population. A similar riot broke out in June 2003 at Kiri Kiri Medium Security Prison, resulting in several deaths.

THE LONG WAIT OF UNCERTAINTY

19. (SBU) POLOFF interviewed three prisoners at Kiri Kiri Medium Security Prison. Each was being held on charges of suspected robbery. Ignatius Ani has been awaiting trial for 11 years and has never appeared in court since his arrest. Joseph Ody has never appeared in court and has been in custody for 6 years. Gabriel Onu, held in custody for 4 years, has been to court nine times within the past year. He has not been arraigned. His arraignment has been continued each time because the individual he was arrested with does not have legal representation. The prisoners said they knew of many individuals who have had their arraignments postponed 18 to 20 times and they railed against the failings of the judiciary. Their greatest complaint was the lack of "black Marias" and they faulted the government for not providing them with their opportunity to be heard in court. They also pointed out poor practices and treatment by the police. Each of the men described their conditions as poor, but believed that prison officials were providing them with as many resources as they were able.

10. COMMENT: The three prisoners hold the position of "provost" within the prison, meaning that they are the bosses of their cellblocks. One of the prisoners was well dressed and displayed an expensive watch. Corruption by prison officials has been reported in the press, such as smuggling contraband to prisoners and diverting prison funds. It is likely these provosts profit from their good relations with prison officials, which may reflect the lack of criticism of their keepers. Despite prison corruption, the glaring problem of prison overcrowding remains. The police and judiciary have shown themselves to be ill-equipped, grossly inefficient, and derelict in their duties. The criminal

justice system is chaotic and in dire need of reform. END
COMMENT.
HINSON-JONES